

Remarks

Claims 1-7, 9-11, 13, 14, 16-23, 26, 28, and 29 stand rejected and are pending in the present application. Claims 1, 17, and 28 are amended.

The Examiner's reconsideration is respectfully requested in view of the following remarks.

Objection to Specification

The Examiner objects to the specification for failing to provide antecedent basis for the claim 9.

The text of claim 9 has been amended to the specification as shown in the above amendment to the specification.

Withdrawal of the objection to the specification is respectfully requested.

Claim Rejections- § 103

1. Claims 1-4, 6-7, 9-11, 13-14, 17, and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of U.S. Patent Publication 20040006708 to Mukherjee, as set forth by pages 3-7 of the Office Action.

Claims 1-4, 6-7, and 9

AAPA and Mukherjee do not disclose or suggest *each identity file* [posted on the P2P network] *includes a tag representing information for a VOIP process of the end-user*, as essentially recited in claim 1.

Indeed, the Examiner acknowledges such when he states (in p. 5, lines 11-12) “AAPA and Mukherjee do not disclose wherein each identify file includes a tag representing information for a VOIP process of the end-user”.

The Examiner first suggests (in p. 5, line 15) that a tag representing information for a VOIP process in an identify file associated with an end-user device and posted on a

P2P network is inherent to files posted on P2P networks.

Applicants respectfully disagree. As stated in MPEP 2112, “[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.”

The Examiner has provided no basis in fact and/or technical reasoning to the determination that files posted in P2P networks inherently include a tag representing information for a VOIP process of an end-user. For example, the Examiner merely states (in p. 5, lines 13-15) “AAPA on p. 6, discloses that it is well known to engage in a call (i.e., a VoIP) once an end-user is located, and Mukherjee discloses providing P2P services including VoIP. However, engaging in VoIP once an end-user is located does not mandate use of a file posted on a P2P network that includes a tag representing information for a VOIP process of that end-user. Further, providing a VoIP service on a P2P network does not mandate use of a file posted on the P2P network that includes a tag representing information for a process of an end-user that executes the VOIP service.

Additionally, as stated in MPEP 2143.03 (C), “[i]f the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding”. The Examiner has provided no such affidavit.

The Examiner next suggests (in p. 5 lines 15-18 of the Office Action) “that it would have been obvious ... to include a tag representing information for a VOIP process of the end-user to enable the VoIP services provided over a P2P network”.

However, there is a failure on the part of the Examiner to articulate a reasoned analysis with rational underpinnings to support modification of the AAPA and Mukherjee

to arrive at the claimed recitation of an *identity file* [posted on a P2P network that] *includes a tag representing information for a VOIP process of [an] end-user.*

As stated in page 15, lines 15-22 of Appeal No. 2007-4328, “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”) ... “hindsight” is inferred when the specific understanding or principal within the knowledge of one of ordinary skill in the art leading to the modification of the prior art in order to arrive at appellant’s claimed invention has not been explained.

For example, the Examiner fails to explain how knowledge of engaging in a VoIP once an end-user is located or providing P2P services including VOIP suggests that a tag representing information for a VOIP process of an end-user be added to a file posted on a P2P network. Thus, the rejections on obviousness grounds of claim 1 cannot be sustained.

AAPA and Mukherjee also do not disclose or suggest *each identity file* [posted on the P2P network] *includes a tag including information for a VOIP process of the end-user to enable the VOIP session between the seeker device and the end-user*, as recited in amended claim 1. For example, in one embodiment, the tag could include an encoding bitrate for a voice encoding process of the end-user (see e.g., p. 5 of 60/455,483).

As shown above, AAPA and Mukherjee do not disclose wherein each identify file includes a tag representing information for a VOIP process of the end-user. Thus, it also follows that AAPA and Mukherjee do not disclose or suggest each identify file includes a tag including information for a VOIP process of the end-user to enable a VOIP session between a seeker device and an end-user. Further, even if Mukherjee provides a VOIP

session between a device and an end-user over a P2P network, Mukherjee does not teach the session being enabled based on information within a tag of an identity file associated with the end-user and stored on the P2P network.

For at least the foregoing reasons, the combination of AAPA and Mukherjee fails to disclose or suggest *each identity file* [posted on the P2P network] *includes a tag representing information for a VOIP process of the end-user to enable the VOIP session between the seeker device and the end-user*, as essentially recited in claim 1. Thus, claim 1 is believed to be patentable over AAPA and Mukherjee.

Claims 2-4, 6-7, and 9 are believed patentable over AAPA and Mukherjee at least by virtue of their dependence from claim 1.

Claims 10, 11 and 13-14

AAPA and Mukherjee do not disclose or suggest, *identity files* [stored on a public shared directory of a P2P network] *having an Extensible Markup Language (XML) format that include a tag representing a name of a potential collaborator on the P2P network, and a tag representing a domain name of the collaborator*, as recited in claim 10.

The Examiner fails to establish a *prima facie* case of obviousness with respect to claim 10 because not all of the limitations of claim 10 are shown to be disclosed or suggested by AAPA and Mukherjee in the Office Action. Indeed, the Office Action never mentions the limitations of a tag representing a name of a potential collaborator and a tag representing a domain.

While the AAPA teaches that a file can be stored on a P2P network, the AAPA does not suggest inclusion of tags within the file for storing names of collaborators and their domain names. Mukherjee teaches (in paragraph [0047]) assigning a network access

identifier (NAI) characterized by a user name and service provider domain name, such as user_name@service_provider.com to a user group. However, Mukherjee does not teach including this information within a tag of an XML file stored on a stored on a public shared directory of a P2P network

For at least the foregoing reasons, the combination of AAPA and Mukherjee fails to disclose or suggest *identity files* [stored on a public shared directory of a P2P network] *having an Extensible Markup Language (XML) format that include a tag representing a name of a potential collaborator on the P2P network, and a tag representing a domain name of the collaborator*, as essentially recited in claim 10. Thus, claim 10 is believed to be patentable over AAPA and Mukherjee.

Claims 11 and 13-14 are believed patentable over AAPA and Mukherjee at least by virtue of their dependence from claim 10.

Claim 17

AAPA and Mukherjee do not disclose or suggest, *the entry fields for entering names of collaborators, performing a search by the seeker device on the P2P network to determine identity files having filenames that include a corresponding name from the search entry fields*, and *initiating a VOIP session with the list of collaborators*, as recited in amended claim 17. For example, as shown in page 5 of 60/455,483, if the name is John Smith, the file name includes both John and Smith (e.g., John.Smith.xml).

AAPA is silent regarding naming files posted on a PTP network with names of potential collaborators for a VOIP session. While, Mukherjee teaches (in paragraph [0047]) a network access identifier (NAI) such as user_name@service_provider.com, Mukherjee fails to teach the NAI being used as filename, much less a filename of a file stored on a P2P network.

Thus, AAPA and Mukherjee do not disclose or suggest, *the entry fields for entering names of collaborators, performing a search by the seeker device on the P2P network to determine identity files having filenames that include a corresponding name from the search entry fields, and initiating a VOIP session with the list of collaborators,* as recited in claim 17. Accordingly, claim 17 is believed to be patentable over AAPA and Mukherjee.

Claim 28

AAPA and Mukherjee do not disclose or suggest, *wherein each identity file includes a first tag identifying a corresponding one of the potential collaborators and a second tag including information for a VOIP process of the corresponding one of the collaborators to enable the VOIP session between the seeker device and the collaborators,* as recited in amended claim 28.

As discussed above, the Examiner concedes that “AAPA and Mukherjee do not disclose wherein each identify file includes a tag representing information for a VOIP process of the end-user”. Further, as discussed above for claim 1, such a tag is not inherent to files stored on P2P networks, and based on AAPA and Mukherjee, it would not have been obvious to insert such a tag into a file of a P2P network. Further, the AAPA and Mukherjee do not teach use of file on a P2P network with a tag identifying a collaborator of a VOIP session.

Thus, AAPA and Mukherjee do not disclose or suggest, *wherein each identity file includes a first tag identifying a corresponding one of the potential collaborators and a second tag including information for a VOIP process of the corresponding one of the collaborators to enable the VOIP between the seeker device and the collaborators,* as recited in claim 28.

2. Claims 5, 16, 18, 19-23, 26, and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and Mukherjee in view of “Semantic Web based Peer-to-Peer Service Registry Network” to Thaden, as set forth by pages 8-11 of the Office Action.

The rejections of claims 5, 16, 18, 19-23, 26, and 29 are premised on reliance that AAPA and Mukherjee disclose or suggest base claims 1, 10, 17, and 28. However, claims 1, 10, 17, and 28 are not disclosed or suggested by AAPA and Mukherjee for at least the above described reasons. Further, the deficiencies of AAPA and Mukherjee in these regard are not cured by Thaden. Thus, the combination of AAPA, Mukherjee, and Thaden cannot render obvious claims 5, 16, 18, 19-23, 26, and 29.

Withdrawal of the rejections under 35 U.S.C. 103(a) is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

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